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SUBJECT: NGOS CONTINUE TO USE UPR PROCESS TO PRESS SRI LANKA HUMAN RIGHTS ISSUES

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¶1. (SBU) SUMMARY: Both the government of Sri Lanka and its critics implemented the same strategy in the plenary session of Sri Lanka's Universal Periodic Review (UPR) as they had in the working group phase of that newly-created mechanism. Defending itself against criticism leveled at it in both sessions, the government and its allies in the Human Rights Council (HRC) tried to present Sri Lanka as pursuing a cooperative spirit in the UPR and as making progress on its human rights record. Among the noteworthy aspects of the plenary was the activism of NGOs, both during the plenary and on the margins. The Sri Lanka review again highlighted the importance of UPR for independent human rights NGOs, and the important role that they, in turn, play in the process. END SUMMARY.

¶2. (U) Like all the countries that had undergone an initial UPR session at working group level in previous months, Sri Lanka underwent a one-hour UPR plenary session on June 13, as part of the HRC's Eighth Session (reftel). This culminated in the adoption of a resolution concerning Sri Lanka's UPR review.

REITERATED PRAISE, CRITICISM

¶3. (U) The session featured much the same combination of praise and criticism of Sri Lanka as during the working group phase. Algeria and Indonesia used their interventions to praise the GoSL for its commitment to human rights, with the latter stressing that change could not be expected overnight. Denmark and Canada were among those who voiced criticism, with the former expressing regret that the GoSL had not accepted 26 of the recommendations made in the working group phase and that the recommendations did not cover the full range of problems. Japan took the middle ground, stressing the GoSL acceptance of 45 recommendations but hastening to add its concerns about the human rights situation on the ground and expressing its desire to help make improvements.

CIVIL SOCIETY TAKES THE STAGE

¶4. (U) NGOs, which had not been allowed to speak in the working group phase, used all the time available to them to express concerns. One NGO echoed the concerns raised by Denmark about the incompleteness of recommendations. Others focused on those recommendations that already had been made and which Sri Lanka had not accepted. Criticism focused heavily on the lack of independence of Sri Lanka's election commission, as well as on impunity for forced disappearances. With only twenty minutes for all NGOs to speak, several coordinated their activity, with Amnesty International (AI) and Human Rights Watch (HRW), for instance, making a joint statement.

NGO-HOSTED MEETINGS

¶ 15. (SBU) Despite having minimal time to speak in the actual UPR plenary sessions, NGOs were highly visible on the margins of the sessions of a number of countries, with Sri Lanka being perhaps the most notable. Activists, including several who had come from Sri Lanka for the occasion (in many cases after having come for the earlier working group sessions as well), were active in the corridors before and after the actual review. They also organized several side-events. One panel, hosted by AI, HRW, and the International Commission of Jurists, included representatives from national human rights institutions but also a representative of the GoSL, Deputy Solicitor-General Shavindra Fernando, who presented the GoSL's response to issues related to witness protection and the Constitutional Council. (NOTE: Several of our interlocutors who were otherwise critical of Sri Lanka praised it for sending a representative to a session at which it knew it would come under criticism. Few other governments showed any willingness to do so. END NOTE.)

¶ 16. (SBU) At another side event, Sri Lankan NGOs led the discussion on how best to push their concerns through the many filters of the UPR process. They focused on the structural problems in Sri Lanka today, emphasizing that the country has plenty of lawyers, who have no scope, however, to exercise the rule of law. The NGO activists argued that webcasting of the UPR review allowed those lawyers, and others, to better press for human rights on the ground, as well as keeping the international community focused on Sri

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Lanka's situation. The UPR also could lead to greater grassroots efforts back home.

COMMENT

¶ 17. (SBU) NGO participation in the Sri Lanka UPR process has been valuable in painting a more comprehensive picture of human rights in that country for Geneva delegations, as well as for a potential international community that can access the proceedings through webcasts and by virtue of media coverage. As the Sri Lanka review demonstrated, NGOs have made impressive progress in finding their place in the UPR and coming together to share best practices on maximizing the impact of their presence. Their eagerness to travel here and participate energetically highlights the hope that the UPR process can be a force multiplier for on-the-ground activism -- even in a state that obstinately rejects the criticism of its peers. Further coordination among NGOs in discussing best practices and strategies for advocating their interests and the interests of civil society in the UPR process could result in more NGOs, most notably smaller NGOs who have previously not been able to speak in Geneva, having a stronger and more effective presence in the UPR process.

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